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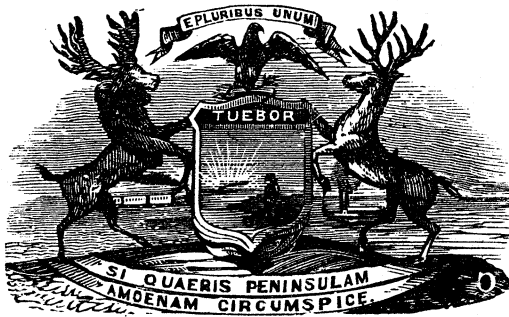
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L A W S
OF THE
UNITED STATES,
GRANTING LANDS TO THE
STATE OF MICHIGAN,
FOR
ROADS, RAILROADS, HARBORS, AND OTHER PURPOSES,

Collected and Arranged in Pursuance of a Resolution of the Senate of January 9, 1867

BY

WM. L. STOUGHTON, Attorney General.



BY AUTHORITY.

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1867

LAWS OF THE UNITED STATES
RELATIVE TO
LANDS GRANTED TO THE STATE OF MICHIGAN.

I.
OF THE UNIVERSITY AND SCHOOL LANDS.

ACT OF JUNE 23, 1836--5 U. S. STATUTES AT LARGE, 59.

AN ACT supplementary to the act entitled "An act to establish the northern boundary line of the State of Ohio, and to provide for the admission of the State of Michigan into the Union on certain conditions."

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That in lieu of the proposition submitted to the Congress of the United States by an ordinance passed by the convention of delegates at Detroit, assembled for the purpose of making a constitution for the State of Michigan, which are hereby rejected; and that the following propositions be, and the same are hereby offered to the Legislature of the State of Michigan, for their acceptance or rejection, which if accepted, under the authority conferred on the said Legislature by the convention which framed the constitution of the said State, shall be obligatory upon the United States.

First. That section numbered sixteen in every township of the public lands, and where such section has been sold or otherwise disposed of, other lands equivalent thereto, and as contiguous as may be, shall be granted to the State for the use of schools.

Second. That the seventy-two sections of land set apart and reserved for the use and support of a University by an act of

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Congress approved on the twentieth day of May, eighteen hundred and twenty-six, entitled "An act concerning a seminary of learning in the Territory of Michigan," are hereby granted and conveyed to the State, to be appropriated solely to the use and support of such university, in such manner as the Legislature may prescribe: *And provided, also,* That nothing herein contained shall be so construed as to impair or affect in any way the rights of any person or persons claiming any of said seventy-two sections of land, under contract or grant from said university.

Third. That five entire sections of land, to be selected and located under the direction of the Legislature, in legal divisions of not less than one-quarter section, from any of the unappropriated lands belonging to the United States within the said State, are hereby granted to the State for the purpose of completing the public buildings of the said State, or for the erection of public buildings at the seat of Government of the said State, as the Legislature may determine and direct.

Fourth. That all salt springs within the State, not exceeding twelve in number, with six sections of land adjoining, or as contiguous as may be to each, shall be granted to the said State for its use, the same to be selected by the Legislature thereof, on or before the first of January, eighteen hundred and forty; and the same, when so selected, to be used on such terms, conditions and regulations, as the Legislature of the said State shall direct: *Provided,* That no salt spring, the right whereof is now vested in any individual or individuals, or which may hereafter be confirmed or adjudged to any individual or individuals, shall, by this section, be granted to said State: *And provided, also,* That the General Assembly shall never sell or lease the same, at any one time, for a longer period than ten years, without the consent of Congress.

Fifth. That five per cent. of the nett proceeds of the sales of all public lands lying within the said State, which have been or shall be sold by Congress, from and after the first day of July, eighteen hundred and thirty-six, (after deducting all the ex-

penses incident to the same,) shall be appropriated for making public roads and canals within the said State, as the Legislature may direct: *Provided*, That the five foregoing propositions herein offered are on the condition the Legislature of the said State, by virtue of the powers conferred upon it by the convention which framed the constitution of the said State, shall provide, by an ordinance irrevocable without the consent of the United States, that the said State shall never interfere with the primary disposal of the soil within the same by the United States, nor with any regulations Congress may find necessary for securing the title in such soil to the *bona fide* purchasers thereof; and that no tax shall be imposed on lands the property of the United States; and that in no case shall non-resident proprietors be taxed higher than residents; and that the bounty lands granted, or hereafter to be granted, for military services during the late war, shall, whilst they continue to be held by the patentees or their heirs, remain exempt from any tax laid by order or under the authority of the State, whether for State, county, township, or any other purpose, for the term of three years from and after the date of the patents respectively.

Approved, June 23, 1836.

ACT OF MAY 20, 1826—4 U. S. STATUTES AT LARGE, 179.

AN ACT to appropriate lands for the support of Schools in certain townships and fractional townships, not before provided for.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That to make provision for the support of schools, in all townships or fractional townships for which no land has been heretofore appropriated for that use in those States in which section number sixteen, or other land equivalent thereto, is by law directed to be reserved for the support of schools, in each township, there shall be reserved and appropriated, for the use of schools, in

each entire township, or fractional township, for which no land has been heretofore appropriated or granted for that purpose, the following quantities of land, to wit: for each township or fractional township, containing a greater quantity of land than three-quarters of an entire township, one section; for a fractional township, containing a greater quantity of land than one-half, and not more than three-quarters of a township, three-quarters of a section; for a fractional township, containing a greater quantity of land than one-quarter, and not more than one-half of a township, one-half section; and for a fractional township, containing a greater quantity of land than one entire section, and not more than one-quarter of a township, one-quarter section of land.

SEC. 2. *And be it further enacted*, That the aforesaid tracts of land shall be selected by the Secretary of the Treasury, out of any unappropriated public land within the land district where the township for which any tract is selected may be situated; and when so selected, shall be held by the same tenure, and upon the same terms, for the support of schools, in such township, as section number sixteen is, or may be held, in the State where such township shall be situated.

Approved, May 20, 1826.

1 ACT OF MAY 20, 1826—4 U. S. STATUTES AT LARGE, 180.

AN ACT concerning a Seminary of Learning in the Territory of Michigan.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized to set apart and reserve from sale, out of any public lands within the territory of Michigan, to which the Indian title may be extinguished, and not otherwise appropriated, a quantity of land, not exceeding two entire townships, for the use and support of an University within the territory aforesaid, and for no other use or purpose whatsoever, to be located in tracts of land corres-

ponding with any of the legal divisions into which the public lands are authorized to be surveyed, not less than one section, one of which said townships, so set apart and reserved from sale, shall be in lieu of an entire township of land, directed to be located in said territory for the use of a seminary of learning therein, by an act of Congress entitled "An act making provision for the disposal of the public lands in the Indian territory, and for other purposes," approved March twenty-sixth, one thousand eight hundred and four.

Approved, May 20, 1826.

ACT OF JAN. 13, 1830—4 U. S. STATUTES AT LARGE, 370.

AN ACT to authorize the exchange of certain lots of land between the University of Michigan territory, and Martin Baum and others.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the Trustees of the University of Michigan be, and they are hereby, authorized to exchange with Martin Baum and others, the tracts of land designated as river lots, number one and two, in the United States' reserve of twelve miles square, on the Miami of Lake Erie, heretofore purchased from the United States, and which, having been relinquished by the said Martin Baum under the provisions of the act of the second of March, one thousand eight hundred and twenty-one, for the relief of the purchasers of the public lands, were afterwards selected by the Secretary of the Treasury, for the said University, under the provisions of the act of the twentieth of May, one thousand eight hundred and twenty-six, entitled "An act concerning a seminary of learning in the territory of Michigan," for such other lands as may be agreed upon by them; and the President of the United States, upon being advised by the said Trustees that such exchange has been made, is hereby authorized and required to issue patents in such manner as may be necessary to carry this act into full effect.

Approved January 13, 1830.

ACT OF MARCH 3, 1847—9 U. S. STATUTES AT LARGE, 181.

AN ACT to give the consent of Congress to the sale of certain Salt Spring Lands, heretofore granted to the State of Michigan.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the State of Michigan shall be, and hereby is, authorized and empowered to sell, in such manner as the Legislature of said State shall by law direct, the Salt Spring lands granted to said State for its use, by an act entitled "An act supplementary to the act entitled an act to establish the northern boundary line of the State of Ohio, and to provide for the admission of the State of Michigan into the Union, on certain conditions, approved June 23, 1836.

Approved March 3, 1847.

[45,346.15 Acres, applied to Asylum and Normal School Fund.]

ACT OF AUGUST 25, 1852—10 U. S. STATUTES AT LARGE, 30.

AN ACT to confirm to the State of Michigan certain lands selected for saline purposes.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the selections and locations by the State of Michigan, of the lands lying in said State, described as sections numbered two, three, four, five, eight, nine, ten, eleven, fourteen, fifteen, twenty-one and twenty-two, in Township seven North, of Range fourteen East, heretofore made under and by virtue of the fourth proposition contained in the first section of an act entitled "An act supplementary to the act entitled 'An act to establish the northern boundary line of the State of Ohio, and to provide for the admission of the State of Michigan into the Union on certain conditions,' " approved June 23d, 1836, be, and the same are hereby, recognized as valid, and confirmed to said State, in lieu of twelve other sections which were incorrectly noted as confirmations under said act, by reason of an erroneous inter-

pretation given at the General Land Office, to the original list of selections.

Approved August 25, 1852.

ACT OF MARCH 3, 1835—6 U. S. STATUTES AT LARGE, 615.

AN ACT to authorize the sale of certain lands belonging to the University of Michigan.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That William Woodbridge, John Biddle, and the Governor of the Territory of Michigan, Trustees of the University of said Territory, be, and they are hereby, authorized to sell at public auction to the highest bidder, after sixty days previous notice of the time and place, in three of the newspapers of said Territory, the following tracts of land belonging to said University, and lying near Toledo, on the Maumee river of Lake Erie, to-wit: Tracts number three and four, the south-west quarter of section number two, and the west half of section number three, in township number three, within the "Twelve mile Reservation," at the foot of the rapids of the said Maumee river, and the said Trustees are hereby authorized to make good and sufficient conveyances of said lands; and the product arising from the sale thereof, shall be considered and shall constitute a part of the general land appropriated for the benefit of the University of Michigan.

Approved March 3, 1835.

ACT OF JULY 2, 1862.—12 U. S. STATUTES AT LARGE, 503.

AN ACT donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That there be granted to the several States, for the purposes hereinafter men-

tioned, an amount of public land, to be apportioned to each State a quantity equal to thirty thousand acres for each Senator and Representative in Congress to which the States are respectively entitled by the apportionment under the census of eighteen hundred and sixty: *Provided*, That no mineral lands shall be selected or purchased under the provisions of this act.

SEC. 2. *And be it further enacted*, That the land aforesaid, after being surveyed, shall be apportioned to the several States in sections or subdivisions of sections, not less than one-quarter of a section; and whenever there are public lands in a State subject to sale at private entry at one dollar and twenty-five cents per acre, the quantity to which said State shall be entitled shall be selected from such lands within the limits of such State, and the Secretary of the Interior is hereby directed to issue to each of the States in which there is not the quantity of public lands subject to sale at private entry at one dollar and twenty-five cents per acre, to which said State may be entitled under the provisions of this act, land scrip to the amount in acres for the deficiency of its distributive share; said scrip to be sold by said States and the proceeds thereof applied to the uses and purposes prescribed in this act, and for no other use or purpose whatsoever: *Provided*, That in no case shall any State to which land scrip may thus be issued be allowed to locate the same within the limits of any other State, or of any Territory of the United States, but their assignees may thus locate said land scrip upon any of the unappropriated lands of the United States subject to sale at private entry at one dollar and twenty-five cents, or less, per acre: *And provided, further*, That not more than one million acres shall be located by such assignees in any one of the States: *And provided, further*, That no such location shall be made before one year from the passage of this act.

SEC. 3. *And be it further enacted*, That all the expenses of management, superintendence, and taxes from date of selection of said lands, previous to their sales, and all expenses incurred in the management and disbursement of the moneys which may be received therefrom, shall be paid by the States to which they

may belong, out of the treasury of said States, so that the entire proceeds of the sale of said lands shall be applied without any diminution whatever to the purposes hereinafter mentioned.

SEC. 4. *And be it further enacted*, That all moneys derived from the sale of the lands aforesaid by the States to which the lands are apportioned, and from the sales of land scrip hereinbefore provided for, shall be invested in stocks of the United States, or of the States, or some other safe stocks, yielding not less than five per centum upon the par value of said stocks; and that the moneys so invested shall constitute a perpetual fund, the capital of which shall remain forever undiminished, (except so far as may be provided in section fifth of this act,) and the interest of which shall be inviolably appropriated, by each State which may take and claim the benefit of this act, to the endowment, support and maintenance of at least one college where the leading object shall be, without excluding other scientific and classic studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the Legislatures of the States may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life.

SEC. 5. *And be it further enacted*, That the grant of land and land scrip hereby authorized shall be made on the following conditions, to which, as well as to the provisions hereinbefore contained, the previous assent of the several States shall be signified by legislative acts:

First. If any portion of the fund invested, as provided by the foregoing section, or any portion of the interest thereon, shall, by any action or contingency, be diminished or lost, it shall be replaced by the State to which it belongs, so that the capital of the fund shall remain forever undiminished; and the annual interest shall be regularly applied without diminution to the purposes mentioned in the fourth section of this act, except that a sum, not exceeding ten per centum upon the amount received by any State under the provisions of this act, may be

expended for the purchase of lands for sites or experimental farms, whenever authorized by the respective Legislatures of said States.

Second. No portion of said fund, nor the interest thereon, shall be applied, directly or indirectly, under any pretence whatever, to the purchase, erection, preservation or repair of any building or buildings.

Third. Any State which may take and claim the benefit of the provisions of this act shall provide, within five years, at least not less than one college, as described in the fourth section of this act, or the grant to such State shall cease; and said State shall be bound to pay the United States the amount received of any lands previously sold, and that the title to purchasers under the State shall be valid.

Fourth. An annual report shall be made regarding the progress of each college, recording any improvements or experiments made, with their cost and results, and such other matter, including State industrial and economical statistics, as may be supposed useful; one copy of which shall be transmitted by mail free, by each, to all the other colleges which may be endowed under the provisions of this act, and also one copy to the Secretary of the Interior.

Fifth. When lands shall be selected from those which have been raised to double the minimum price, in consequence of railroad grants, they shall be computed to the State at the maximum price, and the number of acres proportionately diminished.

Sixth. No State while in a condition of rebellion or insurrection against the government of the United States shall be entitled to the benefits of this act.

Seventh. No State shall be entitled to the benefits of this act unless it shall express its acceptance thereof by its Legislature within two years from the date of its approval by the President.

SEC. 6. *And be it further enacted,* That land scrip issued under the provisions of this act shall not be subject to location until

after the first day of January, one thousand eight hundred and sixty-three.

SEC. 7. *And be it further enacted*, That the land officers shall receive the same fees for locating land scrip issued under the provisions of this act as is now allowed for the location of military bounty land warrants under existing law: *Provided*, Their maximum compensation shall not be thereby increased.

SEC. 8. *And be it further enacted*, That the Governors of the several States to which scrip shall be issued under this act shall be required to report annually to Congress all sales made of such scrip until the whole shall be disposed of, the amount received for the same, and what appropriation has been made of the proceeds.

Approved July 2, 1862.

II.

OF LANDS GRANTED FOR INTERNAL IMPROVEMENTS.

ACT OF SEPT. 4, 1841—5 U. S. STATUTES AT LARGE, 453.

AN ACT to appropriate the proceeds of the sale of public lands, and to grant preëmption rights.

Re it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That from and after the thirty-first day of December, in the year of our Lord one thousand eight hundred and forty-one, there be allowed and paid to each of the States of Ohio, Indiana, Illinois, Alabama, Missouri, Mississippi, Louisiana, Arkansas, and Michigan, over and above what each of the said States is entitled to by the terms of the compacts entered into between them and the United States, upon their admission into the Union, the sum of ten per centum upon the nett proceeds of the sales of the public lands, which, subsequent to the day aforesaid, shall be made within the limits of each of said States respectively: *Provided,* That the sum so allowed to the said States, respectively, shall be in no wise affected or diminished on account of any sums which have been heretofore, or shall be hereafter, applied to the construction or continuance of the Cumberland road, but that the disbursements for the said road shall remain, as heretofore, chargeable on the two per centum fund provided for by compacts with several of the said States.

SEC. 8. *And be it further enacted,* That there shall be granted to each State specified in the first section of this act, five hundred thousand acres of land for purposes of internal improvement: *Provided,* That to each of the said States which has already received grants for said purposes, there is hereby granted no more than a quantity of land which shall, together with the amount such State has already received as aforesaid,

make five hundred thousand acres, the selections in all of the said States, to be made within their limits respectively in such manner as the Legislatures thereof shall direct; and located in parcels conformably to sectional divisions and subdivisions, of not less than three hundred and twenty acres in any one location, on any public land except such as is or may be reserved from sale by any law of Congress or proclamation of the President of the United States, which said locations may be made at any time after the lands of the United States in said States respectively, shall have been surveyed according to existing laws. And there shall be and hereby is, granted to each new State that shall be hereafter admitted into the Union, upon such admission, so much land, including such quantity as may have been granted to such State before its admission, and while under a Territorial Government, for purposes of internal improvement as aforesaid, as shall make five hundred thousand acres of land, to be selected and located as aforesaid.

SEC. 9. *And be it further enacted,* That the lands herein granted to the States above named shall not be disposed of at a price less than one dollar and twenty-five cents per acre, until otherwise authorized by a law of the United States; and the nett proceeds of the sales of said lands shall be faithfully applied to objects of internal improvement within the States aforesaid, respectively, namely: roads, railways, bridges, canals and improvement of water-courses, and draining of swamps; and such roads, railways, canals, bridges and water-courses, when made or improved, shall be free for the transportation of the United States mail, and munitions of war, and for the passage of their troops, without the payment of any toll whatever.

Approved Sept. 4, 1841.

ACT OF MAY 26, 1824—4 U. S. STATUTES AT LARGE, 50.

AN ACT granting to the counties or parishes of each State and Territory of the United States, in which the public lands are situated, the right of preëmption to quarter sections of land, for seats of justice within the same.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That there be granted to the several counties or parishes of each State and Territory of the United States, where there are public lands, at the minimum price for which public lands of the United States are sold, the right of preëmption to one quarter section of land, in each of the counties or parishes, of said States or Territories, in trust for said counties or parishes, respectively, for the establishment of seats of justice therein: Provided, The proceeds of the sale of each of said quarter sections shall be appropriated for the purpose of erecting public buildings in the county or parish for which it is located, after deducting therefrom the amount originally paid for the same: And provided, further, That the seat of justice for said counties or parishes, respectively, shall be fixed previously to a sale of the adjoining lands within the county or parish for which the same is located.

SEC. 2. *And be it further enacted, That so much of such acts, heretofore passed, granting to States rights of preëmption, for county or parish purposes, as require said seats of justice to be continued at or near the centre of each of said counties or parishes, be, and the same is hereby repealed.*

Approved May 26, 1824.

[See 1 Comp. Laws Mich., 183.]

ACT OF AUG. 3, 1854—10 U. S. STATUTES AT LARGE, 346.

AN ACT to vest in the several States and Territories the title in fee of the Lands which have been or may be certified to them.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That in all cases where lands have been, or shall hereafter be, granted by any

law of Congress to any one of the several States and Territories; and where said law does not convey the fee-simple title of such lands, or require patents to be issued therefor; the lists of such lands which have been, or may hereafter be certified by the Commissioner of the General Land Office, under the seal of said office, either as originals, or copies of the originals or records, shall be regarded as conveying the fee simple of all the lands embraced in such lists that are of the character contemplated by such act of Congress, and intended to be granted thereby; but where lands embraced in such lists are not of the character embraced by such acts of Congress, and are not intended to be granted thereby, said lists, so far as these lands are concerned, shall be perfectly null and void, and no right, title, claim, or interest shall be conveyed thereby.

Approved August 3, 1854.

III.

OF THE SWAMP LANDS.

ACT OF SEPT. 23, 1850—9 U. S. STATUTES AT LARGE, 519.

AN ACT to enable the State of Arkansas and other States to reclaim the "Swamp Lands" within their limits.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That to enable the State of Aarkansas to construct the necessary levees and drains to reclaim the swamps and overflowed lands therein, the whole of those swamp and overflowed lands, made unfit thereby for cultivation, which shall remain unsold at the passage of this act, shall be, and the same are hereby, granted to said State.

SEC. 2 *And be it further enacted,* That it shall be the duty of the Secretary of the Interior, as soon as may be, practicable after the passage of this act, to make out an accurate list of the plats of the lands described as aforesaid, and transmit the same to the Governor of the State of Arkansas, and, at the request of said Governor, cause a patent to be issued to the State therefor; and on that patent, the fee simple to said lands shall vest in the said State of Arkansas, subject to the disposal of the Legislature thereof: *Provided, however,* That the proceeds of said lands, whether from sale or by direct appropriation in kind, shall be applied exclusively, so far as necessary, to the purpose of reclaiming said lands by means of the levees and drains aforesaid.

SEC. 3. *And be it further enacted,* That in making out a list and plats of the land aforesaid, all legal subdivisions, the greater portion of which is "wet and unfit for cultivation," shall be included in said list and plats; but when the greater part of a subdivision is not of that character, the whole of it shall be excluded therefrom.

SEC. 4. *And be it further enacted,* That the provisions of this

act be extended to, and their benefits be conferred upon, each of the other States of the Union, in which such swamp and overflowed lands, known as designated as aforesaid, may be situated.

Approved September 28, 1850.

[The State of Michigan received 5,891,598.24 Acres under this act.]

ACT OF MARCH 3, 1857—11 U. S. STATUTES AT LARGE, 251.

AN ACT to confirm to the several States the Swamp and overflowed Lands selected under the act of September twenty-eight, eighteen hundred and fifty, and the act of the second March, eighteen hundred and forty-nine.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the selection of swamp and overflowed lands granted to the several States by the act of Congress, approved September twenty-eight, eighteen hundred and fifty, entitled "An act to enable the State of Arkansas and other States to reclaim the swamp lands within their limits," and the act of the second of March, eighteen hundred and forty-nine, entitled "An act to aid the State of Louisiana in draining the swamp lands therein," heretofore made and reported to the Commissioner of the General Land Office, so far as the same shall remain vacant and unappropriated, and not interfered with by an actual settlement under any existing law of the United States, be and the same are hereby confirmed, and shall be approved and patented to the said several States, in conformity with the provisions of the act aforesaid, as soon as may be practicable after the passage of this law: Provided, however, That nothing in this act contained shall interfere with the provisions of the act of Congress entitled "An act for the relief of purchasers and locators of swamp and overflowed lands," approved March the second, eighteen hundred and fifty-five, which shall be and is hereby continued in force, and extended to all entries and locations of lands claimed as swamp lands made since its passage.

Approved March 3, 1857.

ACT OF MARCH 2, 1855—10 U. S. STATUTES AT LARGE, 634.

AN ACT for the relief of Purchasers and Locators of Swamp and Overflowed Lands.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the President of the United States cause patents to be issued, as soon as practicable, to the purchaser or purchasers, locator or locators, who have made entries of the public lands, claimed as swamp lands, either with cash, or with land warrants, or with scrip, prior to the issue of patents to the State or States, as provided for by the second section of the act approved September twenty-eight, eighteen hundred and fifty, entitled "An act to enable the State of Arkansas and other States to reclaim the swamp lands within their limits," any decision of the Secretary of the Interior, or other officer of the government of the United States, to the contrary notwithstanding: Provided, That in all cases where any State, through its constituted authorities, may have sold or disposed of any tract or tracts of said land to any individual or individuals prior to the entry, sale, or location of the same, under the preëmption or other laws of the United States, no patent shall be issued by the President for such tract or tracts of land, until such State, through its constituted authorities, shall release its claim thereto, in such form as shall be prescribed by the Secretary of the Interior: And provided, further, That if such State shall not, within ninety days from the passage of this act, through its constituted authorities, return to the General Land Office of the United States, a list of all the lands sold as aforesaid, together with the dates of such sale, and the names of the purchasers, the patents shall be issued immediately thereafter, as directed in the foregoing section.

SEC. 2. *And be it further enacted, That upon due proof, by the authorized agent of the State or States, before the Commissioner of the General Land Office, that any of the lands purchased were swamp lands, within the true intent and meaning of the act aforesaid, the purchase money shall be paid over to the said State or States; and where the lands have been located by*

warrant or scrip, the said State or States shall be authorized to locate a quantity of like amount, upon any of the public lands subject to entry, at one dollar and a quarter per acre, or less, and patents shall issue therefor, upon the terms and conditions enumerated in the act aforesaid: *Provided, however,* That the said decisions of the Commissioner of the General Land Office shall be approved by the Secretary of the Interior.

Approved March 2, 1855.

ACT OF MARCH 12, 1860—12 U. S. STATUTES AT LARGE, 3.

AN ACT to extend the Provisions of "An act to enable the State of Arkansas and other States to reclaim the Swamp Lands within their limits" to Minnesota and Oregon, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the provisions of the act of Congress, entitled "An act to enable the State of Arkansas and other States to reclaim the 'swamp lands' within their limits," approved September twenty-eight, eighteen hundred and fifty, be, and the same are hereby, extended to the States of Minnesota and Oregon: *Provided,* That the grant hereby made shall not include any lands which the government of the United States may have reserved, sold, or disposed of (in pursuance of any law heretofore enacted) prior to the confirmation of title to be made under the authority of the said act.

SEC. 2. *And be it further enacted,* That the selection to be made from lands already surveyed in each of the States, including Minnesota and Oregon, under the authority of the act aforesaid, and of the act to aid the State of Louisiana in draining the swamp lands therein, approved March second, one thousand eight hundred and forty-nine, shall be made within two years from the adjournment of the Legislature of each State at its next session after the date of this act; and, as to all

lands hereafter to be surveyed, within two years from such adjournment, at the next session, after notice by the Secretary of the Interior to the Governor of the State, that the surveys have been completed and confirmed.

Approved March 12, 1860.

IV.

OF LANDS GRANTED FOR THE CONSTRUCTION OF THE SAULT STE. MARIE SHIP CANAL.

ACT OF AUG. 26, 1852—10 U. S. STATUTES AT LARGE, 35.

AN ACT granting the State of Michigan the Right of Way, and a Donation of Public Lands for the Construction of a Ship Canal around the Falls of St. Mary's, in said State.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That there be, and is hereby, granted to said State, the right of locating a canal through the public lands, known as the military reservation at the Falls at St. Mary's River in said State; and that four hundred feet of land in width extending along the line of such canal be, and the same is hereby granted, to be used by said State, or under the authority thereof for the construction and convenience of such canal, and the appurtenances thereto, and the use thereof is hereby vested in said State forever, for the purposes aforesaid, and no other: Provided, That in locating the line of said canal through said military reservation, the same shall be located on the line of the survey heretofore made for that purpose, or such other route between the waters above and below said falls, as under the approval of the Secretary of War may be selected: And provided further, That said canal shall be at least one hundred feet wide, with a depth of water twelve feet, and the locks shall be at least two hundred and fifty feet long, and sixty feet wide.

SEC. 2. *And be it further enacted, That there be, and hereby is granted to the said State of Michigan, for the purpose of aiding said State in constructing and completing said canal, seven hundred and fifty thousand acres of public lands, to be*

selected in subdivisions, agreeably to the United States surveys, by an agent or agents to be appointed by the Governor of said State, subject to the approval of the Secretary of the Interior, from any lands within said State, subject to private entry.

SEC. 3. *And be it further enacted*, That the said lands hereby granted, shall be subject to the disposal of the Legislature of the State for the purposes aforesaid and no other; and the said canal shall be, and remain a public highway for the use of the Government of the United States, free from toll or other charge upon the vessels of said government engaged in the public service, or upon vessels employed by said government in the transportation of any property ~~on~~ troops of the United States.

SEC. 4. *And be it further enacted*, That if the said canal shall not be commenced within three and completed within ten years, the said State of Michigan shall be bound to pay to the United States, the amount which may be received upon the sale of any part of said lands by the State not less than one dollar and twenty-five cents per acre, the title to the purchasers under said State remaining valid.

SEC. 5. *And be it further enacted*, That the Legislature of said State shall cause to be kept, an accurate account of the sales and nett proceeds of the lands hereby granted, and of all expenditures in the construction, repairs, and operating of said canal, and of the earnings thereof, and shall return a statement of the same annually to the Secretary of the Interior; and whenever said State shall be fully reimbursed for all advances made for the construction, repairs, and operating of said canal, with legal interest on all advances, until the reimbursement of the same, or upon payment by the United States, of any balance of such advances over such receipts from said lands and canal, with such interest, the said State shall be allowed to tax for the use of said canal, only such tolls as shall be sufficient to pay all necessary expenses for the care, charge, and repairs of the same.

SEC. 6. *And be it further enacted*, That before it shall be competent for said State to dispose of any of the lands to be selected

as aforesaid, the route of said canal shall be established as aforesaid, and a plat or plats thereof shall be filed in the office of the War Department, and a duplicate thereof, in the office of the Commissioner of the General Land Office.

Approved August 26, 1852.

V.

OF LANDS GRANTED FOR THE CONSTRUCTION OF WAGON ROADS FOR MILITARY AND POSTAL SERVICE.

ACT OF JUNE 20, 1864—13 U. S. STATUTES AT LARGE, (1863-4,) 140.

AN ACT granting lands to the State of Michigan for the Construction of Certain Wagon-Roads for Military and Postal purposes.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That there be, and hereby is, granted to the State of Michigan, for the construction of a wagon-road for military and postal purposes, from Saginaw City, in said State, by the shortest and most feasible route to the Straits of Mackinaw, every alternate or odd section of public land, not mineral, for three miles in width on each side of said road, to the extent of three sections to the mile. Also a road from Grand Rapids, in said State, through Newaygo, Traverse City, and Little Traverse, to the Straits of Mackinaw, every alternate or odd section of public land, not mineral, for three sections in width on each side of said road, to the extent of three sections to the mile. And it is hereby provided that in case it shall appear that the United States shall have (when the lines or routes of said roads are definitely established) sold or reserved any sections or parts of sections, granted as aforesaid, or that the rights of preëmption or homestead have attached to the same, so as to leave a deficiency in the amount to be selected within the limits designated, then it shall be the duty of the Secretary of the Interior to select such lands from the odd sections, or parts of sections, nearest to the three mile limits aforesaid, such quantity as shall be necessary to make up the deficiency thus created: *Provided, further,* That the lands hereby granted shall be exclusively reserved, held and applied in the construction of said roads, and shall be appropriated and dis-

posed of only as the work progresses, in quantities and under such regulations and restrictions as the State shall provide; and in no event shall they be appropriated or disposed of for any other purpose whatsoever.

SEC. 2. *And be it further enacted*, That any and all lands heretofore reserved to the United States by any act of Congress, or in any other manner by competent authority, for any public work, or for any other purpose whatsoever, be, and the same are hereby, reserved to the United States from the operation of this act, except so far as it may be necessary to locate the routes of said roads through such reserved lands; in which case the rights of way shall be, and are hereby granted, subject to the approval of the President of the United States.

SEC. 3. *And be it further enacted*, That said roads shall be located, surveyed, and constructed, under the direction of such agents or commissioners as the Governor may appoint, and shall be chopped out a uniform width of at least six rods. The road-bed proper to be not less than thirty-two feet wide, and constructed with ample ditches on both sides, so as to afford sufficient drains, with good and substantial bridges, and proper culverts and sluices where necessary. All stumps and roots to be thoroughly grubbed out between the ditches, the entire length of said road, the central portion of which to be sufficiently raised to afford a dry road-bed by means of drainage from the centre to the side ditches; the hills to be leveled and valleys raised, so as to make as easy a grade as practicable.

SEC. 4. *And be it further enacted*, That when the Governor of the State of Michigan shall furnish the Secretary of the Interior with maps and charts showing the definite location of the line of each of said roads, it shall be his duty to have the land granted to each of said roads withheld from market, and reserved exclusively for the purposes aforesaid. And when the said Governor shall certify to the Secretary of the Interior that any ten consecutive miles of either of said roads have been completed under the provisions of this act, and in accordance with the third section thereof, stating definitely where said completed section

commences and where it terminates, it shall be the duty of said secretary to cause patents to issue to said State for three sections of land for each mile of road thus completed, as aforesaid, and so on until the whole of said road is completed: *Provided*, That no patents shall be given for any of the aforesaid lands before the completion of ten consecutive miles of road, or for any road, or for any part of any road, made before the passage of this act, for any greater quantity than thirty sections for each ten miles completed, according to the provisions of this act. Nothing in this proviso, however, shall be construed so as to prevent the application of so much of the said three sections per mile as may be necessary to finish any part of said roads partly made before the passage of this act.

SEC. 5. *And be it further enacted*, That this grant is made upon the express conditions that the roads shall be and remain public highways, free from all toll and other charges; and that if any portion of said roads shall remain uncompleted for a period of more than five years from the approval of this act by the President, the lands granted for such portion shall revert to the United States.

Approved June 20, 1864.

ACT OF MARCH 3, 1863—12 U. S. STATUTES AT LARGE, 797.

AN ACT granting Lands to the States of Michigan and Wisconsin, to aid in the Construction of a "Military Road" from Fort Wilkins, Copper Harbor, Keweenaw County, in the State of Michigan, to Fort Howard, Green Bay, in the State of Wisconsin.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That there be and is hereby granted to the State of Michigan, to aid in the construction of a military wagon-road from Fort Wilkins, Copper Harbor, to Houghton, Portage Lake, and thence, in a southerly direction, to the State line of Wisconsin, every alternate section of public land, designated by even numbers, for

three sections in width, on each side of said road, and also a like quantity, to be taken and designated in same manner, to the State of Wisconsin, to aid in the construction of a like road from the last-mentioned place, on the State line of Wisconsin, to Fort Howard, Green Bay, in the said State of Wisconsin. But in case it shall appear that the United States have, when the line or route of said road is definitely fixed, sold any section, or any part thereof, granted as aforesaid, or that the right of preëmption or homestead settlement has attached to the same, then it shall be the duty of the Secretary of the Interior to set apart from the public lands of the United States, as near to said even sections aforesaid as may be, so much land as shall be equal to such lands as the United States have sold, or otherwise appropriated, or to which the right of preëmption or homestead settlement has attached; which lands, (thus selected in lieu of those sold, and to which the right of preëmption or homestead settlement has attached, as aforesaid,) together with the sections and parts of sections designated by even numbers, as aforesaid, and approved, as aforesaid, shall be held by the States of Michigan and Wisconsin for the use and purposes aforesaid: *Provided*, That the lands to be selected for and on account thereof shall in no case be further than fifteen miles from said road: *Provided further*, That the lands hereby granted shall be exclusively applied in the construction of that road for and on account of which such lands are hereby granted, and shall be disposed of only as the work progresses, and the same shall be applied to no other purposes whatever: *And provided, further*, That any and all lands heretofore reserved to the United States, by any act of Congress, or in any other manner by competent authority, for the purpose of aiding in any object of internal improvement, or for any other purposes whatsoever, be and the same are hereby reserved to the United States from the operation of this act, except so far as it may be found necessary to locate the route of said road through such reserved lands; in which case, the right of way only shall be granted.

SEC. 2. *And be it further enacted*, That the said lands hereby granted to the said States shall be subject to the disposal of the Legislature thereof, for the purposes aforesaid, and no other; and the said road shall be and remain [a] public highway for the use of the Government of the United States, free from tolls or other charge upon the transportation of any property, troops or mails of the United States.

SEC. 3. *And be it further enacted*, That the lands hereby granted to said States shall be disposed of only in the following manner, that is to say: That a quantity of land, not exceeding thirty sections, for said road, may be sold; and when the Governors of said States shall certify to the Secretary of the Interior that any ten continuous miles of said road are completed, then another quantity of land, hereby granted, not to exceed thirty sections for said road, having ten continuous miles completed, as aforesaid, may be sold, and so, from time to time, until the said road is completed; and if said road is not completed within five years, no further sales shall be made, and the lands unsold shall revert to the United States.

SEC. 4. *And be it further enacted*, That said military road shall be constructed with sufficient drains and ditches, and not less than forty feet in width, with a grade not less than sixteen feet wide, with such graduation and bridges as shall permit of its regular use as a wagon road in all seasons of the year, and in such other special manner as the States of Michigan and Wisconsin shall prescribe.

Approved March 3, 1863.

VI.

OF LANDS GRANTED TO AID IN THE CONSTRUCTION OF RAILROADS.

ACT OF JUNE 3, 1856—11 U. S. STATUTES AT LARGE, 21.

AN ACT making a Grant of alternate Sections of the Public Lands, to the State of Michigan, to aid in the Construction of certain Railroads in said State, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That there be and hereby is, granted to the State of Michigan, to aid in the construction of railroads from Little Bay de Noquet to Marquette, and thence to Ontonagon, and from the two last named places to the Wisconsin State line; and also from Amboy, by Hillsdale and Lansing, and from Grand Rapids to some point on or near Traverse Bay; also from Grand Haven and Pere Marquette to Flint, and thence to Port Huron, every alternate section of land designated by odd numbers; for six sections in width on each side of each of said roads; but in case it shall appear that the United States have, when the lines or routes of said roads are definitely fixed, sold any section or any part thereof granted as aforesaid, or that the right of preëmption has attached to the same, then it shall be lawful for any agent or agents, to be appointed by the Governor of said State, to select, subject to the approval of the Secretary of the Interior, from the lands of the United States nearest to the tiers of sections above specified, so much land in alternate sections or parts of sections as shall be equal to such lands as the United States have sold or otherwise appropriated, or to which the right of preëmption has attached as aforesaid; which lands (thus selected in lieu of those sold, and to which preëmption rights have attached as aforesaid, together with the sections and parts of sections designated by odd numbers as aforesaid, and appropriated as aforesaid) shall be held by the State of

Michigan for the use and purpose aforesaid: *Provided*, That the lands to be so located shall in no case be further than fifteen miles from the lines of said roads, and selected for, and on account of each of said roads: *Provided further*, That the lands hereby granted shall be exclusively applied in the construction of that road for and on account of which such lands are hereby granted, and shall be disposed of only as the work progresses, and the same shall be applied to no other purpose whatsoever: *And provided further*, That any and all lands heretofore reserved to the United States by any act of Congress, or in any other manner, by competent authority, for the purpose of aiding in any object of internal improvement, or for any other purpose whatsoever, be and the same are hereby reserved to the United States from the operations of this act, except so far as may be found necessary to locate the routes of said railroads through such reserved lands, in which case, the right of way only shall be granted, subject to the approval of the President of the United States.

SEC. 2. *And be it further enacted*, That the sections and parts of sections of land which, by such grant, shall remain to the United States, within six miles on each side of each of said roads, shall not be sold for less than double the minimum price of the public lands when sold; nor shall any of said lands become subject to private entry until the same have been first offered at public sale at the increased price.

SEC. 3. *And be it further enacted*, That the said lands hereby granted to the said State, shall be subject to the disposal of the Legislature thereof, for the purpose aforesaid, and no other; and that the said railroads shall be and remain public highways for the use of the government of the United States, free from toll or other charge upon the transportation of any property or troops of the United States.

SEC. 4. *And be it further enacted*, That the lands hereby granted to said State shall be disposed of by said State only in manner following, that is to say: That a quantity of land not exceeding one hundred and twenty sections, for each of said roads, and

included within a continuous length of twenty miles of each of said roads, may be sold; and when the Governor of said State shall certify to the Secretary of the Interior that any twenty continuous miles of any of said roads is completed, then another quantity of land hereby granted, not to exceed one hundred and twenty sections for each of said roads having twenty continuous miles completed as aforesaid, and included within a continuous length of twenty miles of each of said roads may be sold; and so from time to time until said roads are completed; and if any of said roads is not completed within ten years, no further sales shall be made, and the lands unsold shall revert to the United States.

SEC. 5. *And be it further enacted*, That the United States mail shall be transported over said roads, under the direction of the Post Office Department, at such price as Congress may, by law direct: *Provided*, That until such price is fixed by law, the Postmaster General shall have the power to determine the same.

. Approved June 3, 1856.

ACT OF AUGUST 4, 1852—10 U. S. STATUTES AT LARGE, 28.

AN ACT to grant the Right of Way to all Rail and Plank Roads and Macadamized Turnpikes passing through the Public Land belonging to the United States.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the right of way shall be, and is hereby granted to all rail and plank road, or macadamized turnpike companies that are now or may be chartered within ten years hereafter, over and through any of the public lands of the United States, over which any rail or plank or macadamized turnpikes are or may be authorized by an act of the legislature of the respective States in which public lands may be situated; and the said company or companies are hereby authorized to survey and mark through the said public lands, to be held by them for the track of said road, one hundred feet in width: *Provided*, That in case where deep ex-

cavation or heavy embankment is required for the grade of such road, then at such places a greater width may be taken by such company, if necessary, not exceeding in the whole two hundred feet.

SEC. 2. *And be it further enacted*, That the said company or companies shall have the right to take from the public lands, in the vicinity of said road or roads, all such materials of earth; stone, or wood as may be necessary or convenient, from time to time, for the first construction of said road or roads, or any part thereof, through said land.

SEC. 3. *And be it further enacted*, That there shall be, and is hereby granted to said company or companies, all necessary sites for watering places, depots, and workshops along the line of said road or roads, so far as the places convenient for the same may fall upon the public lands: *Provided*, That no one depot or watering place shall contain over one square acre, and that said sites shall not be nearer to each other than ten miles along the line or lines of said road or roads: *Provided further*, That the said grants herein contained, as well of the use of the public lands, as of the materials for the construction of said road or roads shall cease and determine, unless the road or roads be begun within ten years from and after the passage of this act, and completed within fifteen years thereafter: *And provided, moreover*, That if any road, at any time after its completion, be discontinued or abandoned by said company or companies, the grants hereby made shall cease and determine, and said lands hereby granted, revert back to the general government: *Provided further*, That when a location for either of said railroads or plank roads, macadamized turnpikes, or sites for depots on the line of such road or roads shall be selected, the proper officers of such road or roads shall transmit to the Commissioner of the General Land Office a correct plat of the survey of said road or roads, together with the survey of sites for depots before such selection shall become operative: *Provided further*, That none of the foregoing provisions of this act shall apply to, or authorize any rights in any lands of the United States other than such as

are held for private entry and sale, and such as are unsurveyed and not held for public use by erection or improvements thereon.

SEC. 4. *And be it further enacted*, That the right of way through the public lands of the United States lying in Black Rock, in the county of Erie and State of New York, be, and the same is hereby granted to the Lockport and Buffalo Railroad Company: *Provided*, That in the opinion of the President of the United States such grant be not injurious to the public interest, and that the location shall be approved by the President as to the position and width of the said railroad: *And provided further*, That if the said railroad shall not be completed within two years, or if at any time after its completion, the said railroad be discontinued or abandoned, the grant shall cease and determine.

Approved August 4, 1852.

ACT OF JULY 5, 1862—11 U. S. STATUTES AT LARGE, 620.

JOINT RESOLUTION relative to a certain Grant of Land for Railroad Purposes made to the State of Michigan in eighteen hundred and fifty-six.

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That the words "Wisconsin State line," in the first section of an act entitled "An act making a grant of lands to the State of Michigan, in alternate sections, to aid in the construction of railroads in said State," approved June third, eighteen hundred and fifty-six, shall, without forfeiture to said State or its assigns of any rights or benefits under said act, or exemption from any of the conditions or obligations imposed thereby, be construed to authorize the location of the line of railroad provided for in said act from Marquette, on Lake Superior, to the Wisconsin State line, upon any eligible route from the township of Marquette aforesaid, to a point on the Wisconsin State line, near

the mouth of the Menomonee river, and touching at favorable points on Green Bay, with a view of securing a railroad available for military purposes, from Green Bay to the waters of Lake Superior. And the line of railroad, as now located in pursuance of said act, from Marquette to the Wisconsin State line, according to the records of the General Land Office, is hereby authorized to be changed so as to conform to the route above indicated; which line, when surveyed and the maps and plans thereof filed in the proper office, as required under said act of June third, eighteen hundred and fifty-six, shall confer the same rights upon and benefits to the State of Michigan and its assigns in said new line, as though the same had been originally located under said act.

SEC. 2. *And be it further resolved*, That the provisions of an act of Congress, approved August fourth, eighteen hundred and fifty-two, entitled "An act to grant the right of way to all rail and plank roads and McAdamized turnpikes passing through the public lands belonging to the United States," be and the same are hereby extended so as to be applicable to the new line of railroad so as above to be located: *Provided*, The same shall be commenced within two years from the fourth day of August, eighteen hundred and sixty-two, and shall be completed within five years thereafter.

SEC. 3. *And be it further resolved*, That the Secretary of the Interior be and he is hereby authorized to cause all even sections or parts of even sections of public lands that may be brought within six miles of the new line of railroad, as herein provided for, to be sold at the same price and in the same manner those have or might have been, according to the said act of June third, eighteen hundred and fifty-six, upon the originally located route of railroad. And all purchasers, or their heirs or assigns, within the six mile limits of said originally located route, who shall be more than six miles from the new line of route hereby authorized, and who have paid the sum of two dollars and fifty cents an acre, shall have the right either to exchange their locations upon the line as first estab-

lished to the new line upon the same terms, in like quantities, and in the same manner, as on the line first established, as aforesaid, or at their option to enter, without further payment, anywhere within the Marquette land district, in the State of Michigan, or that of the Grand Traverse land district, in said State, lying north or west of Lake Michigan, an additional quantity of public lands subject to private entry, at one dollar and twenty-five cents an acre, equal to the quantity entered by them at two dollars and fifty cents per acre, so that the lands originally entered by them shall be thus reduced to the rate of one dollar and twenty-five cents an acre.

SEC. 4. *And be it further resolved*, That the even sections of public lands reserved to the United States by the aforesaid act of June third, eighteen hundred and fifty-six, along the originally located route of the Marquette and Wisconsin State Line Railroad Company, except where such sections shall fall within six miles of the new line of road so as aforesaid proposed to be located, and along which no railroad has been constructed, shall hereafter be subject to sale at one dollar and twenty-five cents per acre.

SEC. 5. *And be it further resolved*, That upon the filing in the General Land Office of the lists of said railroad lands, in whole or in part, as now selected and certified in the General Land Office, with the certificate of the Governor of the State of Michigan, under the seal of the State, that said State and its assigns surrender all claim to the lands, as aforesaid, set forth and described in the lists thereof thus certified, and that the same have never been pledged or sold or in anywise encumbered, then the State of Michigan or its assigns shall be entitled to receive a like quantity of land, selected in like manner, upon the new line of road as thus surrendered upon the first line, and to the extent of six sections per mile in the aggregate for every mile of the new line, according to the general provisions of the act of June third, eighteen hundred and fifty-six. And it shall be the duty of the Commissioner of the General Land Office to reoffer for public sale, in the usual man-

ner, the lands embraced in the lists of surrendered lands aforesaid, when duly filed in his office, as herein directed.

Approved July 5, 1862.

ACT OF JUNE 7, 1864—13 U. S. STATUTES AT LARGE, 119.

AN ACT to amend an Act entitled "An act making a Grant of alternate Sections of [the] Public Lands to the State of Michigan to aid in the Construction of certain Railroads in said State, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the act entitled "An act making a grant of alternate sections of [the] public lands to the State of Michigan to aid in the construction of certain railroads in said State, and for other purposes," be and the same is hereby, amended as follows, namely: Substitute for the words "and from Grand Rapids to some point on or near Traverse Bay," contained in the first section of said act, these words: And from Fort Wayne, in the State of Indiana, to a point on the southern boundary line of the State of Michigan, in the township of Sturgis, thence, by way of Grand Rapids, to some point on or near Traverse Bay. And the said act shall be, and is hereby, so amended as to substitute for the first clause of the first proviso in the first section thereof, so far as the same shall be applicable to the grant of lands made to aid in the construction of the railroad described by the foregoing amendment, these words: *Provided*, That the lands so to be selected shall in no case be further than twenty miles from the line of said road: *Provided, further*, That the time specified in the 4th section of the act hereby amended for the completion of said road shall not be extended.

SEC. 2. *And be it further enacted*, That the lands granted by the act amended by this act, and also by the provisions of this act, to aid in the construction of the railroad described in the foregoing section, shall be disposed of only in the following manner, that is to say, when the Governor of the State of Mich-

igan shall certify to the Secretary of the Interior that ten consecutive miles of said road have been completed in a good and substantial manner as a first class railroad, indicating definitely where said completed section commences and where the same terminates, the said secretary shall cause patents to issue to said State for so much of said lands as are located opposite to, and coterminous with, said completed section of said road, and so from time to time for each completed section of ten miles of said road until the whole shall be completed.

Approved June 7, 1864.

ACT OF MARCH 3, 1865—13 U. S. STATUTES AT LARGE, 530.

AN ACT to amend an act entitled "An act to amend an act entitled 'An act making a grant of alternate sections of public land to the State of Michigan, to aid in the construction of certain Railroads in said State, and for other purposes.'"

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That section one of an act entitled "An act to amend an act entitled 'An act making a grant of alternate sections of public lands to the State of Michigan, to aid in the construction of certain railroads in said State, and for other purposes,'" which said amendatory act was approved June 7th, 1864, be, and the same is hereby amended, so as to make the last proviso in said section read as follows, to wit: *Provided, further,* That the time specified in the fourth section of the act hereby amended, for the completion of said road, shall be and the same is hereby extended eight years.

Approved March 3, 1865.

ACT OF FEBRUARY 17, 1865—13 U. S. STATUTES AT LARGE, 569.

A RESOLUTION to extend the time for the reversion to the United States of the lands granted by Congress to aid in the construction of a railroad from Pere Marquette to Flint, and for the completion of said road.

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That the time specified in the fourth section of the act of Congress, approved June 3d, 1856, entitled "An act making a grant of alternate sections of the public land to the State of Michigan, to aid in the construction of certain railroads in said State, and for other purposes," for the reversion to the United States of the lands granted by said act to aid in the construction of a railroad from Pere Marquette to Flint, and for the completion of said road, be and the same is hereby extended for the term of five years.

Approved February 17, 1865.

ACT OF MARCH 3, 1865—13 U. S. STATUTES AT LARGE, 520.

AN ACT to extend the time for the completion of certain Railroads to which land grants have been made in the States of Michigan and Wisconsin.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That there be, and hereby is granted to the State of Michigan, for the purpose of aiding in the construction of a railroad from Marquette, on Lake Superior, to the Wisconsin State line, at or near the mouth of the Menomonee river, for the benefit and use of the Chicago and Northwestern Railway Company, a corporation of the States of Michigan, Illinois, Wisconsin, and from Marquette to Ontonagon, for the use and benefit of the Marquette and Ontonagon Railroad company, a corporation of the State of Michigan, and for twenty miles westerly from Marquette, of the Bay de Noquet and Marquette railroad, for the benefit and use of the Bay de Noquet and Marquette Railroad company, four additional alternate sections of land, per mile, to that

already granted by act of Congress, approved June third, A. D. eighteen hundred and fifty-six, and joint resolution supplementary thereto, to be selected upon the same conditions, restrictions and limitations as are contained in the act of Congress entitled "An act making a grant of lands to the State of Michigan, in alternate sections, to aid in the construction of railroads in said State," approved June third, eighteen hundred and fifty-six: *Provided*, That the land to be so located by either of said roads shall be selected from the alternate sections, designated by odd numbers, within twenty miles of the line of said road.

SEC. 2. *And be it further enacted*, That the lands granted by said act of Congress, and by this act, shall be disposed of only in the following manner, that is to say: When the Governor of the State of Michigan shall certify to the Secretary of the Interior that any ten consecutive miles, upon the route of either of said roads, is completed in a good and substantial manner, as a first-class railroad, then the Secretary of the Interior shall cause a certificate or certificates to issue to said State for one hundred sections of land, for the benefit and use of such company, and so from time to time for each completed section of ten miles of either of said roads, one hundred sections of land, until the whole shall be completed: *Provided*, That none of the additional lands granted by this act for that portion of the Marquette and Ontonagon Railroad now completed shall be certified to the State of Michigan, by the terms hereof, until the said railroad shall be completed from a point twenty miles west of Marquette to Ontonagon; and that none of the additional lands granted by this act for that portion of the railroad from Marquette to the Wisconsin State line, at or near the mouth of the Menomonee river, now completed, shall be so certified until the said railroad shall be completed from Bay de Noquet to the said Wisconsin State line, at or near the mouth of the Menomonee river aforesaid.

SEC. 3. *And be it further enacted*, That the time limited for the completion of the road from Marquette to the Wisconsin State

line, at or near the mouth of the Menomonee river, be and the same is hereby extended for the term of five years, from and after the third day of June, A. D. eighteen hundred and sixty-six.

SEC. 4. *And be it further enacted*, That no lands to be set apart for the road from Marquette to Bay de Noquet, and from Marquette to Ontonagon, shall be selected and certified east of that portion of the range line dividing ranges twenty-six and twenty-seven, that is, south of the township line between townships forty-seven and forty-eight, nor south of that portion of the township line dividing townships forty-seven and forty-eight, that lies east of the dividing range line above named; and that no lands to be set apart for the road from Marquette, on Lake Superior, to the Wisconsin State line, at or near the mouth of the Menomonee river, shall be selected and certified west of that portion of the range line dividing ranges twenty-six and twenty-seven, that is, north of the township line dividing townships forty-two and forty-three, nor north of the township line dividing townships forty-seven and forty-eight; and that, for the purpose of making up any deficiency of lands to which the line of road from Marquette to Bay de Noquet may be entitled, to make its grant equal to ten sections to the mile, the same shall be certified on the route from Marquette to Ontonagon, within twenty miles of the line of said road, and east of the range line dividing ranges thirty-one and thirty-two, and in accordance with the provisions hereinbefore contained. And that, whenever the Governor of the State of Michigan shall certify to the Secretary of the Interior that twenty consecutive miles of the line of the road from Marquette to Bay de Noquet has been completed in a good and substantial manner, as a first-class railroad, the Secretary of the Interior shall cause to be issued to said State of Michigan, for the use and benefit of the Bay de Noquet and Marquette Railroad Company, assignee of the State of Michigan, a certificate or certificates for two hundred sections of land, to be selected and located from the sections

designated by odd numbers, on the line from Marquette to Ontonagon, and within twenty miles of said line.

SEC. 5. *And be it further enacted*, That the time for the completion of the railroad from Fond du Lac, on Lake Winnebago, to the Wisconsin State line, at or near the mouth of the Menominee river, shall be and hereby is extended, for the period of five years from and after the third day of June, one thousand eight hundred and sixty-six; and that any and all grants of land to said road shall continue and remain in full force and effect.

SEC. 6. *And be it further enacted*, That each of said companies shall grade, in a good and substantial manner, ready for the ties, twenty miles of its road within two years, and twenty miles additional thereof in each year thereafter: *Provided*, That if said companies, or either of them, shall neglect or fail to do so, or to complete its road within the time herein specified, the land granted to such company shall revert to the United States.

Approved March 3, 1865.

ACT OF FEB. 8, 1859—11 U. S. STATUTES AT LARGE, 331.

AN ACT granting the Right of Way over, and Depot Grounds on, the Military Reserve at Fort Gratiot, in the State of Michigan, for Railroad purposes.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the right of way through and privilege of constructing depots and workshops on the public lands of the United States lying in the county of St. Clair, State of Michigan, commonly called the Fort Gratiot military reservation, be, and the same is hereby granted to any railroad company or companies which may construct a railroad or railroads from the city of Detroit, or any other place in said State, to or near the village of Port Huron, in said State: *Provided*, That in the opinion of the President of the United States such grant or grants be not injurious to the purposes of public defense, and that the location of said

buildings on, and such road or roads as to position and width through said reservation, and the price of the land to be so occupied, being first determined by the Secretary of War, be approved by the President: *And provided further*, That if the price of such grant or grants be not paid within thirty days - after the approval of the President, or if either of said roads shall not be completed within three years, or if, at any time after its completion, it shall be discontinued, the grant shall cease and determine as to such road: *And provided further*, That all the buildings to be erected upon said reservation shall be of wood, and if at any time it should be deemed expedient by the commanding officer of Fort Gratiot, or by any other higher military authority, to destroy such buildings by fire or otherwise, no claims shall be made against the United States for damages.

Approved February 8, 1859.

ACT OF JULY 3, 1866.—U. S. STATUTES AT LARGE, 1865-6, 78.

AN ACT to extend the time for the Reversion to the United States of the Lands granted by Congress to aid in the Construction of a Railroad from Amboy, by Hillsdale and Lansing, to some point on or near Traverse Bay, in the State of Michigan, and for the Completion of said Road.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the time limited by the fourth section of an act entitled "An act making a grant of alternate sections of the public lands to the State of Michigan, to aid in the construction of certain railroads in said State, and for other purposes," approved June 3, eighteen hundred and fifty-six, for the completion of the railroad from Amboy, by Hillsdale and Lansing, to some point on or near Traverse Bay, shall be, and hereby is, revived and extended for the period of seven years, from and after the third day of June, one thousand eight hundred and sixty-six; and that said grants shall continue and remain in full force and

effect for and during that period, as if it had been so provided in said fourth section of said act of June three, eighteen hundred and fifty-six: *Provided*, That the Amboy, Lansing and Traverse Bay Railroad Company, a corporation organized under the laws of the State of Michigan, shall forfeit all right to said grant, or any part thereof which it may now have, or which may hereafter be conferred upon it by the Legislature of the State of Michigan, if and whenever the said company shall fail, in whole or in part, fully and completely to perform any of the following conditions, that is to say: First, to clear, grub and grade twenty consecutive miles of the road-bed of said road between Owosso and Saginaw City, so that the same shall be in readiness for the ties and iron by the first day of February, eighteen hundred and sixty-seven; Second, to fully complete said road from Owosso to Saginaw City, so that the same shall be in readiness for the running of trains by the first day of November, eighteen hundred and sixty-seven; Third, to fully complete, in like manner, twenty miles of said road in each and every year after the said first day of November, eighteen hundred and sixty-seven, and to fully complete the entire road by the time limited by this act: *And provided, further* That in case of failure of said Amboy, Lansing and Traverse Bay Rail[road] Company to perform any of the above conditions by the respective times limited therefor, the Legislature of the State of Michigan may, at its first session after any such failure, confer the said grant upon some other railroad corporation or corporations, upon such terms and conditions as the Legislature may see fit, to carry out the purposes of the said act of June three, eighteen hundred and fifty-six, and when so conferred, such corporation or corporations shall be entitled to have and enjoy all of the said grant, which shall not then have been lawfully disposed of, to the same extent and in the same manner and for the same purposes, as if the same had been originally conferred upon such corporation or corporations. And any such railroad corporation or corporations, whether

now organized or hereafter to be organized, upon which said grant may be so conferred in whole or in part, may receive the same without prejudice to any land grant, or other rights or franchises previously acquired. But in no case shall such corporation or corporations be entitled to receive more than ten sections of land to the mile, for that portion of said road which may be consolidated in accordance with the provisions of this act: *And provided further*, That if the Legislature shall, in any such case of failure, so confer said grant as above provided, then the said lands, or so much thereof as shall then remain not lawfully disposed of, shall be subject to the disposal and future control of said Legislature, as provided in section three of said act of June three, eighteen hundred and fifty-six, until the expiration of the time limited by this act. But in case the said Legislature shall, in such case, fail to so confer said grant, then the said lands shall revert to the United States.

SEC. 2. *And be it further enacted*, That the Flint and Pere Marquette Railroad Company may change the western terminus of its road to some point on Lake Michigan, at or south of Grand Traverse Bay; and any railroad corporations, having a right to the respective land grants specified in the said act of June three, eighteen hundred and fifty-six, located in the lower peninsula of the State of Michigan, may unite and contract with each other, or with any other railroad corporation or corporations, for the construction and operation of a single line of road for any portion of their routes, without prejudice to any land grants, or other rights or franchises previously acquired. And any and all such corporations are hereby authorized to change the location of their lines of road, so far as may be necessary for the purpose of such consolidation, but not so as to change their respective termini otherwise than is authorized by this act. And whenever any change of terminus or location of line is made, as provided for in this act, the corporation or corporations making such change, shall file in the General Land Office, new maps definitely showing such change and the new

line of road adopted: *Provided*, That the road mentioned in the first section of this act shall run on the west side of Saginaw river, and that the principal depot shall be located in the northern portion of the plat of Saginaw City, so as best to accommodate the cities of Saginaw and East Saginaw.

SEC. 3. *And be it further enacted*, That the lands granted by the said act of June three, eighteen hundred and fifty-six, to aid in the construction of the railroad described in the first section of this act, shall be disposed of only in the following manner, that is to say: when the Governor of the State of Michigan shall certify to the Secretary of the Interior that ten or more consecutive miles of said road have been completed in a good and substantial manner, as a first-class railroad, stating definitely the commencement and termination of each completed portion of said road, and the corporation or corporations so entitled to lands on account thereof, the Secretary of the Interior shall cause patents for lands for such completed portion of said road to be issued to said corporation or corporations: *Provided*, That none of said lands shall be acquired or so patented for any portion of said road so completed south of the intersection of said road with the Detroit and Milwaukee railway, until the whole of said road north of said intersection shall have been completed, and the lands therefor patented, as aforesaid: *And provided further*, That the road mentioned in the first section of this act shall be and remain a public highway for the use of the Government of the United States, and shall transport, free from toll or other charges, all property, troops and munitions of war belonging to the same.

SEC. 4. *And be it further enacted*, That all laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

Approved July 3, 1866.

VII.

OF LANDS GRANTED TO AID IN THE CONSTRUCTION OF THE LAC LA BELLE SHIP CANAL.

ACT OF JULY 3, 1868—U. S. STATUTES AT LARGE, (1865-6,) 89.

AN ACT granting certain lands to the State of Michigan, to aid in the construction of a Ship Canal, to connect the waters of Lake Superior with the Lake known as Lac La Belle, in said State.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That there be, and is hereby, granted to the State of Michigan, for the use and benefit of the "Lac La Belle Harbor Improvement Company," a company organized under and by virtue of the laws of the State of Michigan, for the purpose of aiding in the construction of a ship canal, to connect the waters of Lake Superior, with the lake known as Lac La Belle, in said State, one hundred thousand acres of the public lands of the United States, in the upper peninsula of Michigan, to be selected from the odd-numbered sections of lands nearest the location of the said canal, not otherwise reserved or appropriated, nor designated by the United States as "mineral lands" prior to the passage of this act, nor to which the rights of pre-emption or homestead have attached: Provided, That the said canal shall be at least one hundred feet wide at the top, seventy-five feet wide at the bottom, and shall have, when completed, a depth of water through its entire length, of at least twelve feet, running from sixteen feet of water in Lake Superior, to fourteen feet of water in Lac La Belle: And provided further, That said canal shall be and remain a public highway for the use of the government of the United States, free from toll or charge upon the vessels of said government, or upon vessels employed by said government in the transportation of any property or troops of the United States.

SEC. 2. *And be it further enacted,* That the lands hereby granted shall be subject to the disposal of the Legislature of the State of Michigan, for the purpose aforesaid and no other; that as soon as the Governor of the said State shall file, or cause to be filed, with the Secretary of the Interior, a map or plan, showing the location of the said canal, then it shall be the duty of the Secretary of the Interior to withdraw from market the lands applicable and subject to the provisions of this act; and whenever the Governor of the State of Michigan shall certify to the Secretary of the Interior that the said ship canal has been completed, in a good, substantial, and workman-like manner, in all respects in conformity with the provisions of this act, and to his satisfaction, then it shall be the duty of the Secretary of the Interior to issue patents to the said State of Michigan, for the lands hereby granted.

SEC. 3. *And be it further enacted,* That if the said ship canal shall not be completed within two years from and after the passage of this act, the lands hereby granted shall revert to the United States.

Approved July 3, 1866.

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